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OFFICE OF PETITIONS

In re Application of

Robert Alan Eustace

Application No. 09/823,081

Filed: March 29, 2001

Attorney Docket No. 9772-0275-999

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), October 28, 2005, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$1400.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed December 15, 2004. The Notice set forth a three (3) month statutory period for reply. No further response was received within the allowed period. The application became abandoned on March 16, 2005. A Notice of Abandonment was mailed on April 25, 2005.

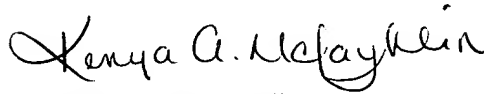
Deposit account 08-2025 will be charged \$1400.00 for the issue fee.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The request for a change of the correspondence address filed October 28, 2005, is noted, but will not be entered. There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to the person signing the instant petition.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

A handwritten signature in black ink, reading "Kenya A. McLaughlin". The signature is written in a cursive, flowing style.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Patrick C. Keane
Buchanan Ingersoll, PC
PO Box 1404
Alexandria, VA 22313-1404